

☐ Interpreter Required

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Ifrac Abdi Yassin Docket No. 3:11CR00132-3

Petition for Action on Conditions of Pretrial Release

COMES NOW Tim Searcy, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Ifrac Abdi Yassin
who was placed under pretrial release supervision by the Honorable Franklin L. Noel, U.S. Magistrate Judge
sitting in the Court at Minneapolis, Minnesota, on June 21, 2011, under the following
conditions: Please reference attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page three of this document.

I declare under penalty of perjury that the foregoing is true and correct.

Tim Searcy T.S. Nashville, TN June 26, 2012
U.S. Pretrial Services Officer [Signature] Place: _____ Date: _____
Next Scheduled Court Event Not Scheduled
Event _____ Date _____

PETITIONING THE COURT

- ☐ No Action ☐ To issue an order setting a hearing on the petition
☐ To Issue a Warrant ☒ Other Vacate special condition of bond
which requires GPS monitoring.

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant.

☐ Sealed Pending Warrant Execution

(cc: U.S. Probation and U.S. Marshals only)

☒ Other condition vacated

☐ A Hearing on the Petition is set for

_____ Date _____ Time _____

Considered and ordered this 28th day
of June, 2012, and ordered filed
and made a part of the records in the above
case.

[Signature]
William J. Haynes
U.S. District Judge

Honorable William J. Haynes
U.S. District Judge
Petition for Action on
Ifrah Abdi Yassin
Case No. 3:11-CR-00132-3
June 26, 2012

On June 17, 2011, Hawo Osman Ahmed, Hamdi Ahmed Mohamud, and **Ifrah Abdi Yassin**, were arrested in the District of Minnesota in relation to a Criminal Complaint and Warrant issued on the same date in the Middle District of Tennessee (Docket No. 3:11-mj-4032). The Criminal Complaint charged all three defendants with Retaliating Against a Witness, in violation of 18 U.S.C. §§ 1513(b)(1) and (b)(2).

On June 29, 2011, the same defendants were named in a five-count Indictment returned in the Middle District of Tennessee (Docket No. 3:11-CR-00132). Count One charged the defendants with Conspiracy to Retaliate Against a Witness, Victim or Informant, in violation of 18 U.S.C. §§ 1513(f) and 1513(c). Counts Two and Three each charge Retaliating Against a Witness, Victim or Informant, in violation of 18 U.S.C. §§ 1513(b)(2) and 1513(c). Count Four charges Conspiracy to Obstruct, Attempt to Obstruct or Interfere with Prevention of Enforcement of 18 U.S.C. § 1951, in violation of 18 U.S.C. § 1594(c). Count Five charges the overt act of Obstruct, Attempt to Obstruct or Interfere with Prevention of Enforcement of 18 U.S.C. § 1951, in violation of 18 U.S.C. §§ 1581(d).

On June 30, 2011, the Middle District of Tennessee received Rule 5(c)(3) documents from the District of Minnesota related to defendant Yassin's arrest on June 17, 2011. At the Detention Hearing held on June 21, 2011, defendant Yassin was released on a \$25,000 unsecured own recognizance bond with pretrial supervision. One of the special conditions of bond imposed required the defendant to submit to location monitoring via Active Global Positioning Satellite (GPS) technology.

REQUEST TO MODIFY CONDITIONS OF RELEASE:

On June 6, 2012, the Middle District of Tennessee received a report and request from U.S. Probation Officer Krystal Taylor of the District of Minnesota. Officer Taylor is currently providing courtesy bond supervision of defendant Yassin's case.

In particular, Officer Taylor noted defendant Yassin is approaching one year of pretrial supervision with no ongoing compliance issues or concerns. After delivering her 6 month old daughter on March 10, 2012, she secured employment as a sales associate with Macy's Department Store at the Mall of America. She has no violations while on electronic monitoring and she continues to reside with her husband in Richfield, Minnesota.

Honorable William J. Haynes
U.S. District Judge
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All random drug tests collected at her home have been negative. In addition, all home visits have revealed no indication of contraband or illegal criminal activity. It was also noted since the defendant is approaching one year of supervision and at this time without any noncompliance concerns, it is the supervising officer's opinion that the active GPS condition is not necessary to manage the defendant's risk of flight, as she has significant ties to the community. In addition, defendant Yassin recently gave birth and has maintained employment.

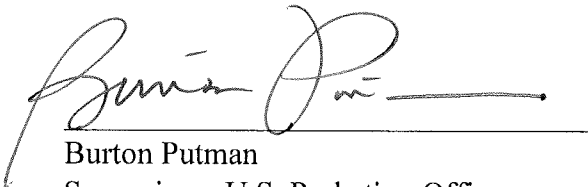
Next Court Date:

Review of PACER records indicate this case has not been scheduled for trial.

Respectfully Petitioning the Court as Follows:

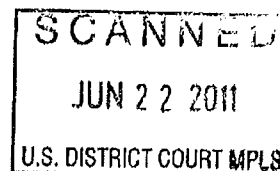
Officer Taylor respectfully requests that the special condition of bond requiring location monitoring be vacated. It should be noted that this request has been discussed with Assistant U.S. Attorney Van S. Vincent and the Government opposes the proposed recommendation.

Approved:



Burton Putman
Supervisory U.S. Probation Officer

xc: Assistant U.S. Attorney Van S. Vincent
Hallie McFadden, Defense Counsel



ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons in the community,

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ (7) The defendant is placed in the custody of:
 Person or organization _____
 Address (only if above is an organization) _____
 City and state _____ Tel No. (if Organization) _____

who agrees (a) to supervise the defendant in accordance with all of the the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: _____
 Custodian or Proxy Date

- ☒ (8) The defendant must:
- ☒ (a) report to Pretrial Services as directed.
 telephone number _____, no later than _____
 - ☐ (b) execute a bond or agreement to forfeit upon failing to appear as required the following sum of money or designated property:

 - ☐ (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

 - ☐ (d) execute a bail bond with solvent sureties in the amount of \$ _____
 - ☒ (e) maintain or actively seek employment.
 - ☒ (f) maintain or commence an education program.
 - ☒ (g) surrender any passport to Pretrial Services as directed.
 - ☒ (h) obtain no new passport.
 - ☒ (i) abide by the following restrictions on personal association, place of abode, or travel:
 Travel shall be restricted to Minnesota unless approved by supervising
 officer or to attend court in Tennessee
 - ☒ (j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to:

Hawa Ahmed, Hamdi Mohamed, M.H., L.A.H., and list from Government Witnesses

- ☐ (k) cooperate with a mental health assessment and follow any recommendations of that assessment if the pretrial services officer or the supervising officer considers it advisable.
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- ☐ (l) return to custody each (week) day at ____ o'clock after being released each (week) day at ____ o'clock for employment, schooling, or the following purpose(s): _____
- ☒ (m) maintain residence at a halfway house or community corrections center, as the pretrial services officer or supervising officer considers necessary.
- ☒ (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
- ☐ (o) refrain from ☐ any ☐ excessive use of alcohol.
- ☐ (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☐ (q) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.
- ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
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ADDITIONAL CONDITIONS OF RELEASE

- ☐ (s) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.
- ☐ (i) **Curfew.** You are restricted to your residence every day
☐ from _____ to _____
or ☐ as directed by the pretrial services officer;
or _____
- ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising office; or
- ☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearance or other activities specifically approved by the court.
- ☒ (t) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology
- ☐ The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.
- ☐ (i) Location monitoring technology as directed by the pretrial services office or supervising officer;
- ☐ (ii) Radio Frequency (RF) monitoring;
- ☐ (iii) Passive Global Positioning Satellite (GPS) monitoring;
- ☒ (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
- ☐ (v) Voice Recognition monitoring.
- ☒ (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop within 72 hours.

- ☒ (v) In the event 1) that no Indictment is returned against the Defendant, or 2) that the charges giving rise to this Release Order are dismissed, or 3) that Defendant is acquitted of the charges giving rise to this Release Order, the Attorney for the Government is hereby ORDERED to provide to the Attorney General a certified copy of a final court order establishing which of the foregoing events occurred. Upon receipt by the Attorney General of any such certified copy, the Director of the Federal Bureau of Investigation is hereby ORDERED to promptly expunge from the index, described in subsection (a) of 42 United States Code, Section 14132, the analysis of the DNA sample collected from this Defendant pursuant to the conditions of this Release Order.
- ☐ (w)

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

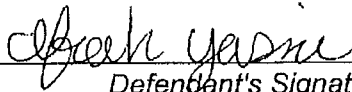
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

City and State

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date

6/21/11



Judicial Officer's Signature

U.S. Magistrate Judge Franklin L. Noel

Printed name and title